

MEMORANDUM



TO: Mayor and Council

FROM: Planning Commission

SUBJECT: Planning Commission Recommendation on Zoning Text Amendment TXT2012-00233,
Mayor and Council of Rockville, applicant

At its meeting on February 22, 2012 the Planning Commission reviewed and discussed Text Amendment Application TXT2012-00233. The Commission received a presentation from Planning and Zoning Division staff, which recommended approval of the proposed text amendment to delete Sec. 25.08.05.d related to parking for nonconforming uses in the R-90 Zone. The Planning Commission heard testimony from citizens who spoke both in support of and in opposition to the application.

After discussion, the Planning Commission voted to recommend approval of the proposed text amendment for the reasons set forth in the staff report. The majority of the Commission agrees that the intent of a nonconforming use is that it should ultimately cease and be replaced by a use consistent with the provisions of the zone. They concur with the reasons for opposing the initial text amendment (TXT2010-00228) that allows for this exception. Allowing for the expansion of parking in connection with this nonconforming funeral home would effectively maintain this use for the foreseeable future. Further, even if this use does cease at some point, the presence of a large parking lot and replatting as a single large lot would almost certainly mean that some other institutional use would occupy this site instead of it reverting back to a residential use. In addition, surface parking lots, especially in residential zones, is not the current policy direction the City is taking. The proposed parking lot is in an Historic District and in a highly visible location along a major "gateway" street to the City neither of which was felt to be compatible with the neighborhood nor advantageous for the City. Plus, concentrating the vehicular impact on one-parcel subjects adjacent property owners to infringement on use and enjoyment of their residences that zoning is intended to protect. For these reasons, the majority of the Planning Commission supports the current text amendment that will delete this exception to the nonconforming use provisions.

Commissioner Callistein, in voting against approval of the text amendment, continues to believe that Pumphrey's Funeral Home is an important institution in the City and that the allowance for additional parking would be a benefit to the adjoining and nearby residents as well as to the City.

Therefore, on a motion by Commissioner Ostell, seconded by Commissioner Hadley, the Planning Commission recommends approval of text amendment application TXT2012-00233 with Commissioners Ostell, Hadley, Cook and Hill voting in favor of the motion, and with Commissioner Callistein voting against the motion, and with Commissioners Trahan and Tyner absent, at its meeting on February 22, 2012.